

Senate File 2328

S-5048

1 Amend Senate File 2328 as follows:

2 1. By striking page 1, line 1, through page 6, line 4, and  
3 inserting:

4 <DIVISION I

5 NO-CONTACT ORDERS

6 Section 1. Section 664A.8, Code 2022, is amended to read as  
7 follows:

8 **664A.8 Extension of no-contact order.**

9 ~~Upon the filing of an application by the state or by the~~  
10 ~~victim of any public offense referred to in section 664A.2,~~  
11 ~~subsection 1 which is filed within ninety days prior to the~~  
12 ~~expiration of a modified no-contact order, the The court shall~~  
13 ~~modify and extend the no-contact order upon the expiration of~~  
14 ~~the no-contact order for an additional period of five years,~~  
15 ~~unless, upon the filing of an application by the defendant~~  
16 ~~within ninety days prior to the expiration of a modified~~  
17 ~~no-contact order, the court finds that the defendant no longer~~  
18 ~~poses a threat to the safety of the victim, persons residing~~  
19 ~~with the victim, or members of the victim's family. The number~~  
20 ~~of modifications extending the no-contact order permitted by~~  
21 ~~this section is not limited.>~~

22 2. Page 9, line 20, by striking ~~<and misdemeanors>~~

23 3. Page 11, by striking lines 22 through 34.

24 4. Page 14, by striking lines 24 through 26 and inserting:

25 <(1) The recorded statement describes conduct that  
26 constitutes a public offense committed against or involving a  
27 child, or describes circumstances relevant to such conduct.>

28 5. By striking page 15, line 25, through page 16, line 9,  
29 and inserting:

30 <Sec. \_\_\_\_ . NEW SECTION. **915.44A Limitation of evidence in**  
31 **sexual abuse cases.**

32 A defendant charged with a criminal offense under chapter  
33 709 who has filed an application for postconviction relief  
34 upon conviction for a criminal offense under chapter 709 shall  
35 be precluded from questioning any victim or any other person

1 regarding evidence which is inadmissible under rule of evidence  
2 5.412 or any other successor provision. Prohibited evidence  
3 includes all of the following:

4 1. Reputation or opinion evidence of a victim offered to  
5 prove that a victim engaged in other sexual behavior.

6 2. Evidence of a victim's other sexual behavior other than  
7 reputation or opinion evidence.

8 3. Evidence of a victim's sexual predisposition.

9 Sec. \_\_\_\_\_. COMMISSION ON CONTINUING LEGAL EDUCATION —  
10 CONTINUING LEGAL EDUCATION REQUIREMENTS. The supreme court  
11 shall amend Iowa court rule 42.2 to require all attorneys  
12 licensed in this state to complete a minimum of one hour,  
13 annually, of continuing legal education that focuses on crime  
14 victims and how to improve a crime victim's experience within  
15 the criminal justice system.>

16 6. By striking page 16, line 34, through page 17, line 3,  
17 and inserting:

18 <4. This section shall not apply to a subpoena issued solely  
19 to secure the presence of a witness listed in the minutes of  
20 testimony at an authorized deposition or to secure the presence  
21 of a witness listed in either the minutes of testimony or in  
22 the defendant's witness list submitted for a hearing or trial.>

23 7. Page 17, after line 35 by inserting:

24 <3. A person who is not yet a party to a criminal action  
25 shall not be permitted to depose another person until the time  
26 the person who is not yet a party to the criminal action is  
27 charged with or indicted for the associated criminal offense.>

28 8. Page 19, by striking lines 11 through 13 and inserting:

29 <a. The evidence is necessary to prove the applicant is  
30 actually innocent of the underlying public offense and all  
31 lesser-included offenses.>

32 9. Page 19, by striking lines 19 through 24 and inserting:

33 <3. The privileges contained in section 622.10 shall be  
34 absolute, except that the filing of an application shall waive  
35 any privilege an applicant may claim regarding an attorney who

1 represented the applicant in the underlying criminal action or  
2 any previous postconviction action.>

3 10. Page 20, after line 5 by inserting:

4 <9. Depositions shall only be permitted upon a showing of  
5 exceptional circumstances, except that the applicant's criminal  
6 trial counsel may be deposed by the respondent upon request or  
7 by the applicant pursuant to subsection 1 and a victim may only  
8 be deposed pursuant to subsection 2.>

9 11. Page 20, by striking lines 8 through 11 and inserting:

10 <Sec. \_\_\_\_\_. NEW SECTION. 602.6204 Reporting requirement.

11 The state court administrator shall submit to the governor  
12 and to the general assembly, not later than December 15 each  
13 year, an annual report which shall include, for the violent and  
14 sexual criminal offenses listed in section 902.12, all of the  
15 following:>

16 12. Page 21, after line 23 by inserting:

17 <DIVISION \_\_\_\_

18 <CONDITIONAL GUILTY PLEAS

19 Sec. \_\_\_\_\_. NEW SECTION. 814.30 Conditional guilty pleas not  
20 allowed.

21 A conditional guilty plea that reserves the right to  
22 appellate review of an adverse determination of a specified  
23 pretrial motion shall not be allowed.>

24 13. Title page, by striking lines 1 through 3 and inserting  
25 <An Act relating to criminal law including no-contact orders,  
26 penalties for domestic abuse>

27 14. Title page, by striking lines 7 and 8 and inserting  
28 <actions, postconviction relief procedure, certain reporting  
29 requirements, conditional guilty pleas, and making penalties  
30 applicable.>

31 15. By renumbering, redesignating, and correcting internal  
32 references as necessary.

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JEFF REICHMAN